

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2967 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

RAJU @ KALIA BABU NAIKA

Versus

COMMISSIONER OF POLICE

Appearance:

MR ANIL S DAVE for Petitioner

MS SS PATEL AGP for Respondent No. 1, 2, 3

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 05/08/1999

ORAL JUDGEMENT

Heard the learned advocates for the respective parties.

The petitioner challenges the order of preventive detention dated 29th September, 1998, made by the Commissioner of Police, Surat City, under the powers conferred upon him under sub-section (1) of section 3 of

the Gujarat Prevention of Anti Social Activities Act, 1985 (hereinafter referred to as 'the Act').

The petitioner is alleged to be a 'dangerous person' within the meaning of section 2 (c) of the Act and his activities are found to be prejudicial to the maintenance of public order. Some five offences punishable under Chapters-XVII & XVI of the IPC are registered against the petitioner and are pending trial. Besides, two individuals, on assurance of anonymity, have given statements in respect of the anti-social activities of the petitioner which are detrimental to the maintenance of public order.

It is contended that in all the above referred offences, applications for release on bail were made and in each of the said cases, the petitioner was ordered to be released on bail. The said applications and the orders made thereon are relied upon by the Detaining Authority while recording his subjective satisfaction. However, the bail application made in the offence registered as CR No. 150/97 has not been furnished to the petitioner. Initially it was argued that the application for bail is a vital document and it is necessary to furnish it to the detenu along with the grounds of detention. However, on a closer scrutiny, Mr. Dave admits that the bail application made in respect of CR No. 150/98 has been furnished to the petitioner. He, therefore, does not press this contention further. Next he contended that the representation made on 9th July, 1999, to the Home Minister for State has not been expeditiously dealt with. The said contention is squarely answered in the affidavit made on behalf of the State. It is contended that the said representation was received in the office of the Minister of State (Home) on 12th July, 1999, and was forwarded to the concerned department on 13th July. Since 13th July 1999 was followed by a public holiday, the representation was attended to at various levels in the department on 13th and 15th July 1999. The decision was taken on 15th July, 1999, and was communicated to the petitioner immediately. In view of the above statement, it is apparent that the representation made by the petitioner has been dealt with as expeditiously as possible. The contention is, therefore, required to be rejected.

The petition is dismissed. Rule is discharged.

JOSHI *